

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**HARRISON COUNTY, MISSISSIPPI;
HANCOCK COUNTY, MISSISSIPPI;
CITY OF BILOXI, MISSISSIPPI; CITY
OF D'IBERVILLE, MISSISSIPPI;
CITY OF WAVELAND, MISSISSIPPI;
MISSISSIPPI HOTEL AND LODGING
ASSOCIATION; MISSISSIPPI
COMMERCIAL FISHERIES UNITED,
INC.; PASS CHRISTIAN,
MISSISSIPPI; and CITY OF
DIAMONDHEAD, MISSISSIPPI**

PLAINTIFFS

v.

CAUSE NO. 1:19cv986-LG-RHW

**MISSISSIPPI RIVER COMMISSION
and U.S. ARMY CORPS OF
ENGINEERS**

DEFENDANTS

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION FOR JURISDICTIONAL DISCOVERY**

BEFORE THE COURT is the [21] Motion for Jurisdictional Discovery filed by the plaintiffs, Harrison County, Mississippi, Hancock County, Mississippi, City of Biloxi, Mississippi, City of D'Iberville, Mississippi, City of Waveland, Mississippi, Mississippi Hotel and Lodging Association, Mississippi Commercial Fisheries United, Inc., Pass Christian, Mississippi, and City of Diamondhead, Mississippi. The parties have fully briefed the Motion.

When reviewing claims under the APA, such as those presented in this matter, the Court is required to review “the whole record or those parts of it cited by a party.” 5 U.S.C. § 706. “Supplementation of the administrative record is not

allowed unless the moving party demonstrates ‘unusual circumstances justifying a departure’ from the general presumption that review is limited to the record compiled by the agency.” *Medina Cty. Envtl. Action Ass’n v. Surface Transp. Bd.*, 602 F.3d 687, 706 (5th Cir. 2010).

The Court finds that the plaintiffs’ Motion for Jurisdictional Discovery should be granted to the extent that the defendants are ordered to designate and produce the administrative record in this matter by July 13, 2020. The Motion requesting discovery is denied in all other respects at this time. The plaintiffs will be permitted to provide a supplemental brief concerning the defendants’ [16] Motion to Dismiss or, if necessary, file a second motion for jurisdictional discovery on or before August 14, 2020.

IT IS THEREFORE ORDERED AND ADJUDGED that the [21] Motion for Jurisdictional Discovery filed by the plaintiffs, Harrison County, Mississippi, Hancock County, Mississippi, City of Biloxi, Mississippi, City of D’Iberville, Mississippi, City of Waveland, Mississippi, Mississippi Hotel and Lodging Association, Mississippi Commercial Fisheries United, Inc., Pass Christian, Mississippi, and City of Diamondhead, Mississippi, is **GRANTED** to the extent that the defendants are ordered to designate and produce the administrative record. The Motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiffs will be permitted to provide a supplemental brief concerning the defendants’ [16] Motion to

Dismiss or, if necessary, file a second motion for jurisdictional discovery on or before August 14, 2020.

SO ORDERED AND ADJUDGED this the 28th day of May, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE